

## OLO Information Request

### Item 10 (a)

Section 59-D-2.6 of the Zoning Code deals with Minor Plan Amendments, stating specifically that:

“Minor amendment is an amendment or revision to a plan or any findings, conclusions, or conditions associated with the plan that does not entail matters that are fundamental determinations assigned to the Planning Board. A minor amendment is an amendment that does not alter the intent, objectives, or requirements expressed or imposed by the Planning Board in its review of the plan. A minor amendment may be approved, in writing, by the Planning Board staff. Such amendments are deemed to be administrative in nature and concern only matters that are not in conflict with the Board’s prior action. 59-D-2.6 (a) (1)

No action taken by the staff on a minor plan amendment can alter in any manner the validity period previously established by the Planning Board 59-D-2.6 (a) (2)”

In addition, the Clarksburg Town Center Site Plan, recognizing the complexity of the development, included as a condition the following language:

“The applicant may propose compatible changes to the units proposed, as market conditions may change, provided the fundamental findings of the Planning Board remain intact (regarding building type and location, open space, recreation and pedestrian and vehicular circulation, adequacy of parking, etc.) for staff review and approval.” Condition 38

Recently, the following procedure has been put into place:

#### Administrative Amendments

To request a minor amendment, the applicant needs to submit the following:

1. An application form.
2. A letter explaining the proposed change.
3. Application fee: \$300 - 1,500.
4. Three sets of plans.

To process this amendment as a staff-level approval without a public hearing, the applicant must also:

1. Send a notice to all parties of record. The notice should:
  - a. Include a statement of the proposed change.
  - b. Have a copy of the plan attached.

c. Explain that anyone who has comments or concerns about the change should contact the M-NCPPC staff reviewer at 301-495-\_\_\_\_\_ by \_\_\_\_\_ (30 days from the mailing date of the notice).

If no comments are received, staff prepares a memo that sets forth the intent of the proposed amendment, makes findings that the proposed change is minor in nature in accordance with 59-D-2.6(a) (i.e. not contrary to the intent of the Planning Board), and demonstrates that appropriate public notice has been given. The memo must be reviewed by the Division Chief before being sent to the Director of Park and Planning. The Director has ultimate approval authority over the minor amendment.

If comments are received on the proposed amendment, once the memo is forwarded to the Director, the Director will determine whether such comments are substantive enough to require that the amendment be submitted to the Planning Board. If not, the amendment will be approved by the Director.

A new signature set reflecting the amendment must be submitted before final approval is granted.